

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NO: 05-4018

WARREN DURHAM, JR.,

Appellant

v.

CITY AND COUNTY OF ERIE; ERIE COUNTY COURT; JUDGE SHAD  
CONNELLY, in his capacity as Judge; JUDGE FRED P. ANTHONY, in his capacity as  
Judge; KEVIN KALLENBACH, individually, in his capacity as Public Defender

---

On Appeal From the United States District Court  
For the Western District of Pennsylvania  
(D.C. Civ. No. 04-cv-00198E)  
District Judge: Honorable Sean J. McLaughlin

---

Submitted Under Third Circuit L.A.R. 34.1(a)  
MARCH 13, 2006  
Before: FISHER, ALDISERT AND WEIS, Circuit Judges.

---

**JUDGMENT**

---

This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted pursuant to Third Circuit L.A.R. 34.1(a). On consideration whereof, it is now here

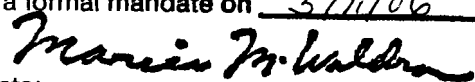
ORDERED AND ADJUDGED by this Court that the judgment of the District Court entered August 17, 2005, be and the same is hereby affirmed. Costs to be taxed against Appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron  
Clerk

DATED: March 22, 2006

Certified as a true copy and issued in lieu  
of a formal mandate on 5/11/06

  
Teste:  
Clerk, U.S. Court of Appeals for the Third Circuit